

SUBSTANCE ABUSE SERVICES SUBCOMMITTEE

Wednesday, August 14, 2002

10:00 - 12:00 p.m., Room 5112, State Office Building

Present: Steve Haddon proxy for Heather Borski, Doug Bunker, Carolyn Edwards, Pat Fleming, Emery Jones, Brent Kelsey, Verne Larsen, Harold Morrill, Larry Petersen and Dr. Charles Walton

Visitors: Ed McConkie and Ron Gordon

Staff: Marvin Dodge and Diane Ngatuva

**Agenda Item: Welcome and Approval of Minutes**

Co-Chair Verne Larsen greeted everyone and thanked them for coming. Introductions were made. *A motion was made by Harold Morrill to approve the minutes from the Wednesday, July 10<sup>th</sup> meeting. The motion was seconded by Emery Jones and was unanimously approved.*

**Agenda Item: Chairman's Report**

Harold Morrill reported that treatment before incarceration, public safety issues, DUI issues and forfeiture reform were discussed at the last Executive Committee. The Governor's Council on DUI reached its sunset date. Anna Kay Waddoups is the new DUI Subcommittee chair.

**Agenda Item: SICA Project Update**

Verne Larsen reported that the SICA Advisory Council is now made up of Dept. of Substance Abuse board members. They have developed working groups within the local communities and are moving forward. The real work is accomplished on the local level, with the SICA Advisory Council providing support and direction. The whole purpose of SICA is bringing together the prevention efforts statewide. They're revising the Statewide Prevention Plan and implementing efforts.

**Agenda Item: Sentencing Options for Non-Violent Drug Offenders**

Marvin Dodge reviewed Proposition 36 type legislation from other states. In California this has put \$120 million a year into the substance abuse community. A handout was given showing a state by state comparison of treatment before incarceration in the five states that have enacted the law or are considering it in their legislature. Marv pointed out that this spreadsheet is a starting point, all of the five states stick to non-violent offenders. How broad do we draw our circle?

Brent Kelsey noted that pleas in abeyance would capture more of a cost savings. He added that people haven't been sentenced often at this stage. The bill would need to be structured around their concerns ensuring due process is provided. He added that there are approximately one thousand people statewide currently in drug court programs; however, the population that should be in drug courts is probably ten times that number.

Ed McConkie suggested more of a grassroots approach by placing these issues into a sentencing matrix model. Clearly, funding is always a problem, but this might ease some of that concern. Brent added that much of what is contained in California's Prop. 36 is already occurring in Utah; only 48 prison inmates would fit this bill the way that it is written.

Rep. Scott Daniels has the intention of some type of legislation resulting regarding this issue.

Ron attended a conference where they had a breakout session with representatives from California to discuss the results of the bill thus far. They have received a lot of funding, but not quite the \$120 million requested. They noted that the population being treated needs more intensive treatment than initially thought, therefore, the fiscal request for treatment was grossly underestimated.

Ed added that there has been a 600% increase in meth addicts. This is a serious population to treat with a different addiction dynamic. There is a scenario that generally is accompanied by weapons or additional charges.

Brent will take this state by state comparison spreadsheet to Cliff Butters at the prison and have him work out what the law in Utah might look like.

Carolyn Edwards' patients are self pay. She has had as many as 87 patients referred to her from the courts in a month; but to complete the program they have to pay for it. She feels that they must let people take responsibility for their actions. If they have a dirty urinalysis they go back. Emery Jones added that it's the same in his instance; if a person gets more than \$100 behind then they are out of the program until they've caught up. He noted that most come up with the money to avoid going back to jail.

Discussion indicated that Utah has fewer prison beds than other states. This will only be a cost savings to Utah depending on how broad the definition will be of those who will be treated.

Pat Fleming added that diversion does cost money but in the future it will save money. The treatment population will be tough to get money out of. We will be flooding the treatment community with offenders, but no new funding is available.

The biggest challenge will be getting people to show up to treatment because you've lost the ability to hold something over them.

Brent suggested finding out what criteria the Board of Pardons used to determine the 700 early releases last year.

It was suggested that some long-term building recommendations be made, increased systemic coordination would promote change from the ground up.

Pat suggested a joint appropriations committee with DSA, DOC and Criminal Justice would make a lot of sense. Senator Butters could make it happen. Articulate across the system what the problem is. Once the true diversion population is determined, good public policy decisions could be made. Hunter Finch does ASI's on the individuals that have been identified to go into treatment within the prison. Assessment is done pre-sentencing, as well. Brent noted that is critical that a lot of this is done pre-sentencing. Ideally this should be done at the prosecutor's stage. However, in order for the prosecutors to make smart placements, they will need some type of science to use to access the treatment world.

Pat felt that a study looking at prison and jail populations as well as addiction information on this population before going before the legislature would only strengthen the cause. Ron added that the Sentencing Commission is already looking at intermediate sanctions. This would fit in with that study.

In conclusion, Pat will look into grant funding for a study. Brent will obtain information from the prison using the five states as a grid. Harold will work closely with Rep. Daniels to keep abreast of what's going on with the bill. Ed noted that there is a Utah contingency (including Rep. Daniels) that will be attending the Vera Institute Conference in New York City at the end of August on this topic. Chyleen Arbon and staff will work with Ed for the October Interim presentation. The Harm Reduction Project (HRP) is following what this subcommittee does. There is a certain level of urgency in moving forward with this. If nothing is done then the HRP will put together their own version of this to run in the 2004 legislative session.

#### **Agenda Item: Utah Crime Reduction Plan**

A pamphlet outlining the crime reduction plan was distributed. The #1 goal of the plan is to decrease the prevalence of drug use, drug sales and drug manufacturing in Utah with an emphasis on methamphetamine. Marvin explained that various activities need to be generated in order to achieve the objectives of the plan. Once the direction to be taken is determined it will be brought back to the subcommittee.

#### **Agenda Item: Next Meeting**

The next meeting of the Substance Abuse Services Subcommittee will be held on **Wednesday, September 25, 2002 from 10:00 - 11:30 a.m. in room 131 of the State Capitol Building.**

